

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

Randy Scott Moody,

Plaintiff

v.

Marilynn Roberge Malerba,

Defendant

Case No. 2:24-cv-02079-CDS-BNW

Order Adopting Magistrate Judge's Report  
and Recommendation and Closing Case

[ECF No. 11]

Plaintiff Randy Moody initiated this case in November 2024 by filing a complaint and the civil case filing fee. Compl., ECF No. 1. In March 2025, United States Magistrate Judge Brenda Weksler ordered Moody to serve defendant Marilyn Malerba by June 11, 2025. Order, ECF No. 10. Judge Weksler cautioned Moody that failure to do so would result in a recommendation that the action be dismissed. *Id.* The deadline passed, and Moody did not provide proof of service or otherwise respond. Thus, Judge Weksler issued a report and recommendation (R&R) that this case be dismissed. R&R, ECF No. 11.

Moody had until July 25, 2025, to file any objections to the R&R. *Id.*; LR IB 3-2(a) (stating that parties wishing to object to an R&R must file objections within fourteen days); *see also* 28 U.S.C. § 636(b)(1)(C) (same). Moody has neither objected to the R&R nor requested more time to do so; and “no review is required of a magistrate judge’s report and recommendation unless objections are filed.” *Schmidt v. Johnstone*, 263 F. Supp. 2d 1219, 1226 (D. Ariz. 2003); *see also Thomas v. Arn*, 474 U.S. 140, 150 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). I nonetheless reviewed the magistrate judge’s R&R and agree that the factors found *In re Phenylpropanolamine Prod. Liab. Litig.*<sup>1</sup> weigh in favor of dismissal. ECF No. 11. So I accept the R&R in full.

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<sup>1</sup> 460 F.3d 1217, 1226 (9th Cir. 2006)

Conclusion

IT IS THEREFORE ORDERED that the magistrate judge's report and recommendation [ECF No. 11] is accepted and adopted in its entirety. This action is DISMISSED without prejudice based on Moody's failure to serve the complaint in compliance with Judge Weksler's order and the Federal Rules of Civil Procedure.

The Clerk of Court is kindly directed to enter judgment accordingly, and to close this case.

Dated: July 31, 2025



Cristina D. Silva  
United States District Judge